

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

BOARD FOR

THE CONDEMNATION OF INSANITARY BUILDINGS

NOTICE OF PUBLIC INTEREST

The Director of the Department of Consumer and Regulatory Affairs, in accordance with section 742 of the District of Columbia Home Rule Act of 1973, as amended, D.C. Code section 1-1504 (1999 Repl.), hereby gives notice that the Board for the Condemnation of Insanitary Buildings' (BCIB) regular meetings will be held on the dates listed below for calendar year 2007, (the second and fourth Wednesday of each month). The meetings will begin at 10:00 a.m. in Room 7100 of 941 North Capitol Street, NW, Washington, D.C. 20002. These regularly scheduled meetings of the BCIB are open to the public. Please call the Building Condemnation Division on (202) 442-4322 or 442-4486 for further information or for changes in this schedule.

The BCIB is charged with examining the sanitary condition of all buildings in the District of Columbia, determining which buildings are in such insanitary condition as to endanger the health or lives of its occupants or persons living in the vicinity, and issuing orders of condemnation requiring the owners to remedy the insanitary condition. Should the owner fail to remedy the cited conditions, the BCIB shall cause the building to be made habitable, safe and sanitary or razed and removed. The cost of work performed by the District of Columbia Government shall be assessed to the property.

Calendar Year 2007 Meeting Dates

January 10th	July 11th
January 24th	July 25th
February 14th	August 8th
February 28th	August 22nd
March 14th	September 12th
March 28th	September 26th
April 11th	October 10th
April 25th	October 24th
May 9th	November 14th
May 23rd	November 28nd
June 13th	December 12th
June 27th	December 26th

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

**NOTICE OF PUBLIC INTEREST
LIST OF CONDEMNED BUILDINGS**

Find enclosed a list of buildings against which condemnation proceedings have been instituted. This list is current as of November 2006. The following paragraphs will give some insight into why these buildings were condemned and the meaning of condemnation for insanitary reasons.

Each listed property has been condemned by the District of Columbia Government's Board for the Condemnation of Insanitary Buildings (BCIB). The authority for this board is Title 6, Chapter 9, of the District of Columbia Code, 2001 Edition. The BCIB has examined each property and has registered with the record owner (via condemnation) a strong disapproval of the condition in which the property is being maintained. The BCIB has recorded at the Office of the Recorder of Deeds an Order of Condemnation against each property for the benefit of purchasers and the real estate industry.

These properties were condemned because they were found to be in such an insanitary condition as to endanger the health and lives of persons living in or in the vicinity of the property. The corrective action necessary to remove the condemnation order could take the form of demolition and removal of the building by the owner or the BCIB. However, most buildings are rendered sanitary, i.e., the insanitary conditions are corrected by the owner or the BCIB.

The administration of the condemnation program does not take title to property. The title to each property remains with the owner. Accordingly, inquiries for the sale or value of these properties should be directed to the owner of record. Inquiries regarding the owner or owner's address should be directed to the Office of Tax and Revenue, Customer Service, Office of Real Property Tax (202) 727-4829, 941 North Capitol Street, NE, 1st floor.

For further assistance, contact the Support Staff of the BCIB on 442-4486.

THE BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

Enclosure:

**BOARD FOR
THE CONDEMNATION OF INSANITARY BUILDINGS**

LIST OF CONDEMNED BUILDINGS

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest</u>			
51 Bryant Street	0104	3127	5
635 Columbia Road	0153	3052	1
5109 Connecticut Avenue	0048	1989	3
5109 Connecticut Avenue-Rear	0048	1989	3
412 Delafield Place	0175	3251	4
410 Florida Avenue	0040	0507	5
1461 Florida Avenue	0147	2660	1
3003 Georgia Avenue	0111	3052	1
3919 Georgia Avenue	0035	3027	4
4607 Georgia Avenue	0016	3015	4
500 Irving Street	0119	3051	1
616 Irving Street	0146	3052	1
1710 Irving Street	0001	2771	4
1301 Kalmia Road	0001	2771	4
806 Kennedy Street	0812	2994	4
709 Kenyon Street	0806	2892	1
416 Luray Place-Rear	0077	3044	1
444 M Street	0861	0514	2
1000 M Street	0057	0341	2
1002 M Street	0056	0341	2
1006 M Street	0051	0341	2
1824 Monroe Street	0813	2614	1
212 Morgan Street	0083	0555	6
216 Morgan Street	0018	0555	6
3642 New Hampshire Ave.-Rear	0032	2898	1
1320 North Capitol Street	0154	0617	5
1424 North Capitol Street	0010	0616	5
1426 North Capitol Street	0836	0616	5
86 O Street	0201	0617	5
405 O Street	0802	0511	2
509 O Street	0479	2001/2002	2
605 P Street	0154	0445	2
1429 Parkwood Place	0062	2688	1
1433 Parkwood Place	0064	2688	1
1428 Perry Place	0029	2688	1

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (Con't)</u>			
1427 Q Street	0009	0208	2
1001 Quebec Place	0063	2902	4
3620 RCC Road	0121	2831	1
53 S Street	0039	3106	5
423 Shepherd Street	0038	3238	4
423 Shepherd Street-Rear	0038	3238	4
912 Shepherd Street	0028	2906	4
815 T Street	0023	0393	1
1202 Tewkesbury Place	0846	2945	4
901 U Street	0100	0360	2
1359 U Street	0805	0236	1
1361 U Street	0805	0236	1
613 Upshur Street	0072	3226	4
613 Upshur Street-Rear	0072	3226	4
2023 Vermont Avenue	0087	0360	1
215 Whittier Street-Rear	0820	3363	4
1329 Wisconsin Avenue	0068	1232	2
1401 1 st Street	0814	0616	5
1821 1 st Street	0137	3110	5
1837 1 st Street	0126	3110	5
1202 3 rd Street	0837	0523	2
1506 3 rd Street	0818	0521	5
1859 3 rd Street	0810	3096	1
1922 3 rd Street-Rear	0010	3089	1
1209 4 th Street	0810	0523	6
1211 4 th Street	0502	2026	6
1221 4 th Street	0848	0523	2
1417 5 th Street	0054	0511	2
1425 5 th Street	0511	0817	2
1427 5 th Street	0818	0511	2
4832 7 th Street	0085	3146	4
1905 8 th Street	0802	0416	1
1905 8 th Street -Rear	0802	0416	1
1301 9 th Street	0801	0399	2
1303 9 th Street	0062	0399	2
1305 9 th Street	0063	0399	2
1307 9 th Street	0803	0399	2
1309 9 th Street	0804	0399	2
1822 9 th Street	0242	0362	1
1715 11 th Street	0010	0335	2
2232 11 th Street	0070	0302	1

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (Con't)</u>			
3007 11 th Street	0099	2851	1
1316 12 th Street	0824	0280	2
5113 13 th Street-Rear	0019	2929	4
5713 13 th Street-Rear	0051	2935	4
5749 13 th Street-Rear	58/818	2935	4
2208 14 th Street	0030	0202	1
3405 14 th Street	0115	2836	1
3431 14 th Street	0133	2836	1
3509 14 th Street	0053	2827S	1
4024 14 th Street	0053	2694	4
5209 14 th Street	0105	2804	4
3350 17 th Street	0093	2612	1
3350 17 th Street-Rear	0093	2612	1
2423 18 th Street	0093	2560	1
3222 19 th Street	0817	2604	1

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast</u>			
1033-39 Bladensburg Road	0807	4473	5
4611 Clay Street	0011	5134	7
4615 Clay Street	0012	5134	7
1334 Downing Place	0039	4027	5
837 Florida Avenue	0063	0908	6
903 Florida Avenue	0802	931N	6
905 Florida Avenue	0804	931N	6
1369 Florida Avenue-Rear	0129	1026	6
1654 Gales Street	0122	4510	6
2001-R Gales St-Rear #1	0800	4525	7
2001-R Gales St-Rear #2	0800	4525	7
2001-R Gales St-Rear #3	0800	4525	7
2001-R Gales St-Rear #4	0800	4525	7
2001-R Gales St-Rear #5	0800	4525	7
2001-R Gales St-Rear #6	0800	4525	7
2001-R Gales St-Rear #7	0800	4525	7
2001-R Gales St-Rear #8	0800	4525	7
2001-R Gales St-Rear #9	0800	4525	7
2001-R Gales St-Rear #10	0800	4525	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast (Con't)</u>			
4035 Grant Street-Rear	0083	5078	7
411 H Street	0030	0809	6
413 H Street	0812	0809	6
1360 H Street	0070	1026	6
1376 H Street	0819	1026	6
1002 Irving Street	0812	3877	5
1511 Isherwood Street	0176	4544	6
1249 Lawrence Street	0021	3930	5
4813 Jay Street	0087	5149	7
5069 Just Street	0305	5176	7
5095 Just Street	0314	5176	7
303 K Street	0804	0775	6
1753 L Street	0104	4474	5
4502 Lee Street	0148	5155	7
5119 Lee Street	0038	5200	7
1800 M Street	0124	4445	5
1210 Montello Avenue	0032	4065	5
1405 Montello Avenue	0028	4060	5
1410 Montello Avenue	0809	4059	5
1414 Montello Avenue	0807	4059	5
5706 NHB Avenue	0010	5214	7
4943 Nash Street	0043	5173	7
4943 Nash Street-Rear	0043	5173	7
735 Nicholson Street	0089	3742	4
1925 North Capitol Street	0014	3509	5
1309 North Carolina Avenue	0115	1035	6
1243 Owen Place	0188	4060	5
4909 Quarles Street	0042	PAR-0184	7
115 Riggs Road	0085	3701	5
3610 South Dakota Avenue	0033	4224	5
3610 South Dakota Ave.-Rear	0033	4224	5
227 Tennessee Avenue	0127	1033	6
227 Tennessee Avenue-Rear	0127	1033	6
415 W Street	0041	3601	5
514 3 rd Street	0054	0754	6
915 3 rd Street	0801	0775	6
1811 3 rd Street	0007	3570	5
2433 3 rd Street	0098	3555	5
2410R 4 th Street-Rear	0059	3555	5
2416R 4 th Street-Rear	0075	3555	5

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast (Con't)</u>			
819 8 th Street	0028	0911	6
214 15 th Street	0106	1055	6
3300 18 th Street	0019	4143	5
4310 22 nd Street	0012	4232	5
3721 30 th Place	0814	4304E	5
1322 45 th Place	0025	5120	7
1202 47 th Place	0060	5160	7
1227 47 th Place	0039	5160	7
1017 48 th Street	0010	5153	7
1055 48 th Street	0098	5153	7
859 51 st Street	0037	5198W	7
109 53 rd Street	0091	5243	7
244 56 th Street	0141	5250	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast</u>			
1523 A Street	0816	1072	6
1751 A Street	0063	1097	6
1751 A Street-Rear	0063	1097	6
5019 A Street	0005	5327	7
5019 A Street-Rear (Shed)	0005	5327	7
5055 A Street	0014	5327	7
1444 Alabama Avenue	0815	5889	8
20 Bass Circle	0012	5345	7
5010 Benning Road	0068	5340	7
5032 Benning Road	0037	5340	7
3401 Brothers Place	0803	6006	8
4915 C Street	0028	5336	7
5201 C Street	0009	5312	7
4926 Call Place	0033	5336	7
4930 Call Place	0032	5336	7
5000 Call Place	0035	5323	7
3213 Dubois Place	0038	5430	7
627 E Street-Rear	0842	0877	6
3118 E Street	0807	5440	7
3326 Ely Place	0807	5444	6

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast (Con't)</u>			
647 G Street	0139	0878	6
3009 G Street	0807	5480	7
1239 Good Hope Road	0089	3033	8
1357 Good Hope Road	0823	0823	7
1410 Good Hope Road	0024	5605	8
2262 High Street	0899	5799	8
1220 Maplevue Place	0811	5800	8
1909 MLK Jr. Avenue	0829	5770	8
1911 MLK Jr. Avenue	0829	5770	8
1913 MLK Jr. Avenue	0829	5770	8
2228 MLK Jr. Avenue	0810	5802	8
2234 MLK Jr. Avenue	0811	5802	8
2238 MLK Jr. Avenue	0978	5802	8
2629 MLK Jr. Avenue-East	0192	5867	8
2629 MLK Jr. Avenue-West	0192	5867	8
2759 MLK Jr. Avenue-Rear	0802	5982	8
2241 Prout Street	0803	5561	8
1008 South Carolina Avenue	0023	970	6
1225 Sumner Road	0980	5865	8
1333 Valley Place	0891	5801	8
821 Virginia Avenue	0006	0929	6
1242 W Street	0099	5782	8
4010 3 rd Street	0806	6167	8
4014 3 rd Street	0804	6167	8
3020 7 th Street	0050	5953	8
3009 8 th Street	0814	5953	8
3009 8 th Street -Rear	0814	5953	8
102 9 th Street	0801	0943	6
911 12 th Street	0019	0969	6
20 53 rd Place	0884	5284	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southwest</u>			
78 Darrington Street-Rear	0023	6223S	8
61 Forrester Street	0063	6240	8
71 Forrester Street	0067	6240	8
157 Forrester Street	0803	6240	8

FRIENDSHIP PUBLIC CHARTER SCHOOL

NOTICE OF REQUEST FOR PROPOSAL

Friendship Public Charter School is seeking bids from prospective candidates to provision and install a comprehensive **Technology Laboratory (SMARTLAB)** in accordance with requirements and specifications detailed in the Request for Proposal.

An electronic copy of the full Request for Proposal (RFP) may be requested via e-mail by contacting Valerie Holmes at vholmes@friendshipschools.org or 202-281-1722.

JAN 19 2007

FRIENDSHIP PUBLIC CHARTER SCHOOL

NOTICE OF REQUEST FOR PROPOSAL

Friendship Public Charter School is seeking bids from prospective candidates to provide **Network Equipment and Installation**, user support, and warranty maintenance in accordance with requirements and specifications detailed in the Request for Proposal.

An electronic copy of the full Request for Proposal (RFP) may be requested via e-mail by contacting Valerie Holmes at vholmes@friendshipschools.org or 202-281.1722

FRIENDSHIP PUBLIC CHARTER SCHOOL

NOTICE OF REQUEST FOR PROPOSAL

Friendship Public Charter School is seeking bids from prospective candidates to provide **Cellular Telephone Service** in accordance with requirements and specifications detailed in the Request for Proposal.

An electronic copy of the full Request for Proposal (RFP) may be requested by contacting Valerie Holmes at vholmes@friendshipschools.org or 202-281-1722.

FRIENDSHIP PUBLIC CHARTER SCHOOL

NOTICE OF REQUEST FOR PROPOSAL

Friendship Public Charter School is seeking bids from prospective candidates to provide **Dedicated High-Speed Connection to the Internet** in accordance with requirements and specifications detailed in the Request for Proposal.

An electronic copy of the full Request for Proposal (RFP) may be requested by contacting Valerie Holmes at vholmes@friendshipschools.org or 202-281-1722.

**DEPARTMENT OF HEALTH
ADMINISTRATION FOR HIV POLICY AND PROGRAMS**

NOTICE OF FUNDING AVAILABILITY #01-1907

**2007 Ryan White Title II
District of Columbia AIDS Drug Assistance Program**

The Government of the District of Columbia, Department of Health, Administration for HIV Policy and Programs (AHPP) is soliciting applications from qualified organizations to provide HIV treatment adherence support for substance users living with HIV and /or AIDS in the District of Columbia. The Administration for HIV Policy and Programs (AHPP) seeks to engage up to four D.C. based substance abuse treatment facilities to promote HIV treatment adherence among active and former substance users with HIV/AIDS as well as two organizations to develop a Care Coordinator program. Additionally, the Administration for HIV Policy and Programs seeks to engage an organization of specialized clinical pharmacists to conduct quality assurance activities related to HIV treatment adherence.

Approximately \$1,400,000 will be available to fund multiple service providers of treatment adherence services. All awards will be based on the availability of funds awarded to the District of Columbia from the Health Resources Services Administration (HRSA).

The Request for Applications (RFA) will be available for pick up at 825 North Capitol St., NE, Third Floor Reception Area, or 64 New York Avenue, NE – Suite 5001 on January 19, 2007, and on the following website www.opgd.dc.gov under District Grants Clearinghouse.

The Request for Application (RFA) submission deadline is no later than 5:00 p.m. on February 23, 2007. All applications will be recorded upon receipt. Applications submitted at or after 5:01 p.m., February 23, 2007, will not be forwarded to the review panel for funding consideration. Any additions or deletions to an application will not be accepted after the deadline of 5:00 p.m. February 23, 2007. A Pre-Application Conference will be held January 26, 2007 from 10:30 a.m. to 12:30 p.m., at the location below.

*64 New York Ave, NE
Washington, DC 20002
1st Floor Conference Room
Phone: (202) 671-4900
E-mail: Kimberly.Green@dc.gov*

DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY

CAVALIER APARTMENTS PROJECT

Notice of Intent to Issue Bonds

On January 22, 2007, the District of Columbia Housing Finance Agency intends to transmit to the Council of the District of Columbia a notice of the Agency's intent to issue \$27,000,000 in tax-exempt and/or taxable housing revenue bonds for the acquisition and rehabilitation of the Cavalier Apartments Project located at 3500 14th Street, N.W., in Ward I (the "Project"). The Project is an 8 story building with a proposed unit mix of 230 units, which will be comprised of efficiencies, and one-(1) and two-(2) bedroom units. A minimum of 40% of the units, with a projected goal of 100% of the units, will be set aside for households with incomes at or below 60% of the area median income.

DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

**Judicial Tenure Commission Begins Reappointment Evaluations
Of Judges Stephanie Duncan-Peters, William Jackson,
Ann O'Regan Keary, and Judith Retchin**

This is to notify members of the bar and the general public that the Commission has begun inquiries into the qualifications of Judges Stephanie Duncan-Peters, William Jackson, Ann O'Regan Keary, and Judith Retchin of the Superior Court of the District of Columbia. Judges Duncan-Peters, Jackson, Keary, and Retchin are declared candidates for reappointment as Associate Judges upon the expiration of their terms on June 29, 2007.

Under the provisions of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198, 87 Stat. 796 (1973), §443(c) as amended by the District of Columbia Judicial Efficiency and Improvement Act, P.L. 99-573, 100 Stat. 3233, §12(1) provides in part as follows:

"...If a declaration (of candidacy) is so filed, the Tenure Commission shall, not less than sixty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written statement of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, he shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the nomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia Court."

The Commission hereby requests members of the bar, litigants, interested organizations, and members of the public to submit any information bearing on the qualifications of Judges Duncan-Peters, Jackson, Keary, and Retchin which it is believed will aid the Commission. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting material shall be kept confidential unless expressly authorized by the person submitting the information.

All communications shall be mailed or delivered by **March 26, 2007**, and addressed to:

District of Columbia Commission on Judicial
Disabilities and Tenure
Building A, Room 312
515 Fifth Street, N.W.
Washington, D.C. 20001
(Telephone: (202) 727-1363)
(Fax: (202) 727-9718)

The members of the Commission are:

William P. Lightfoot, Esquire, Chairperson
Hon. Gladys Kessler, Vice Chairperson
Gary C. Dennis, M.D.
Eric H. Holder, Jr., Esquire
Ronald Richardson
Claudia A. Withers, Esquire

BY: /s/ William P. Lightfoot
Chairperson

**DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL
DISABILITIES AND TENURE**

**Judicial Tenure Commission Begins Reviews
of Judges Frederick D. Dorsey, John M. Ferren, and
Theodore R. Newman, Jr. For Senior Status**

This is to notify members of the bar and the general public that Judges John M. Ferren and Theodore R. Newman, Jr. of the District of Columbia Court of Appeals and Judge Frederick D. Dorsey of the Superior Court of the District of Columbia have requested recommendations for reappointment as Senior Judges.

The District of Columbia Retired Judge Service Act P.L. 98-598, 98 Stat. 3142, as amended by the District of Columbia Judicial Efficiency and Improvement Act, P.L. 99-573, 100 Stat. 3233, §13(1) provides in part as follows:

"...A retired judge willing to perform judicial duties may request a recommendation as a senior judge from the Commission. Such judge shall submit to the Commission such information as the Commission considers necessary to a recommendation under this subsection.

(2) The Commission shall submit a written report of its recommendation and findings to the appropriate chief judge of the judge requesting appointment within 180 days of the date of the request for recommendation. The Commission, under such criteria as it considers appropriate, shall make a favorable or unfavorable recommendation to the appropriate chief judge regarding an appointment as senior judge. The recommendation of the Commission shall be final.

(3) The appropriate chief judge shall notify the Commission and the judge requesting appointment of such chief judge's decision regarding appointment within 30 days after receipt of the Commission's recommendation and findings. The decision of such chief judge regarding such appointment shall be final."

The Commission hereby requests members of the bar, litigants, former jurors, interested organizations and members of the public to submit any information bearing on the qualifications of Judges Dorsey, Ferren and Newman which it is believed will aid the Commission. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting materials will be kept confidential unless expressly authorized by the person submitting the information.

JAN 19 2007

All communications should be mailed, or faxed, by **March 1, 2007**, and addressed to:

District of Columbia Commission on Judicial
Disabilities and Tenure
Building A, Room 312
515 Fifth Street, N.W.
Washington, D.C. 20001
Telephone: (202) 727-1363
FAX: (202) 727-9718

The members of the Commission are:

William P. Lightfoot, Esquire, Chairperson
Hon. Gladys Kessler, Vice Chairperson
Gary C. Dennis, M.D.
Eric H. Holder, Jr., Esquire
Ronald Richardson
Claudia A. Withers, Esquire

BY: /s/ William P. Lightfoot
Chairperson

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., SUITE 200, WEST TOWER
WASHINGTON, D.C. 20005**

PUBLIC NOTICE

**FORMAL CASE NO. 1054, IN THE MATTER OF THE APPLICATION OF
WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO INCREASE
EXISTING RATES AND CHARGES FOR GAS SERVICE**

The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to D.C. Code §§ 34-901 and 34-909, that on December 21, 2006, the Washington Gas Light Company ("WGL") filed an Application requesting authority to increase existing firm rates and charges for gas service in the District of Columbia. The requested rates are designed to collect \$279.6 million in total revenues, which represents an increase in WGL's weather-normalized annual revenues of no more than \$20 million, which is an overall increase of approximately 7.7% in revenues over and above current rates.

The proposed changes in base rates for firm customers' Customer Charge and Distribution Charges are summarized below. The first element of a firm customer's bill is the Customer Charge, and the proposed changes are as follows:

<u>Type of Customer</u>	<u>Current Monthly Customer Charge</u>	<u>Proposed Monthly Customer Charge</u>
<u>RESIDENTIAL</u>		
Heating/Cooling	\$ 7.85	\$ 9.50
Non-Heating/Non-Cooling:		
Individually Metered Apts.	\$ 4.00	\$ 5.00
Other	\$ 4.75	\$ 5.95
<u>COMMERCIAL & INDUSTRIAL AND GROUP METERED APARTMENTS</u>		
Heating/Cooling/:		
Small	\$ 10.50	\$ 13.15
Large	\$ 26.40	\$ 31.70
Non-Heating/Non-Cooling	\$ 11.20	\$ 13.45

DISTRICT OF COLUMBIA REGISTER

INTERRUPTIBLE

All Customers

\$ 62.55

\$ 78.00

The second element of a firm customer's bill is the Distribution Charge per therm. The current and proposed basic charges are:

<u>Type of Customer</u>	<u>Current</u>	<u>Proposed</u>
<u>RESIDENTIAL</u>		
All gas used during the billing month		
Heating/Cooling	\$ 0.3809	\$ 0.4865
Non-Heating/Non-Cooling	\$ 0.4197	\$ 0.5273
<u>COMMERCIAL & INDUSTRIAL AND</u>		
<u>GROUP METERED APARTMENTS</u>		
All gas used during the billing month	\$ 0.3563	\$ 0.4197

The third element of a non-residential firm customer's bill is the Peak Usage Charge.

	<u>Present</u>	<u>Proposed</u>
Rate per therm of peak month usage from prior year	\$ 0.0253	\$0.0280

If granted in full, the average monthly effects of the proposed increase on the average residential sales service customer will be:

<u>Type of Customer</u>	<u>Annual Therm Usage Increase</u>	<u>Average Monthly Increase</u>	<u>Percent</u>
<u>RESIDENTIAL</u>			
Heating/Cooling	775	\$8.47	8.1%
Non-Heating/Non-Cooling:			
Individually Metered Apts.	55	\$1.50	13.6%
Other	240	\$3.35	9.5%

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If granted in full, the proposed rates would increase the monthly bill of the typical non-residential firm sales service customer as follows:

<u>Type of Customer</u>	<u>Annual Therm Usage</u>	<u>Average Monthly Increase</u>	<u>Percent Increase</u>
Commercial & Industrial			
Heating/Cooling:			
Small	1,534	\$11.22	5.5%
Large	16,060	\$94.48	4.6%
Non-Heating/Cooling	5,014	\$29.49	4.7%
<u>GROUP METERED APARTMENTS</u>			
Heating/Cooling:			
Small	2,702	\$20.37	5.6%
Large	15,131	\$86.54	4.6%
Non-Heating/Non-Cooling	5,097	\$30.09	4.7%

WGL proposes two changes to the miscellaneous charges contained in its General Service Provisions; in GSP No. 5- Metering and GSP No. 11-Discontinuance of Service. WGL contends that these proposed revisions better align customer charges with WGL's cost of providing the service.

WGL's rate filing is available for inspection at the Public Service Commission's Office of the Commission Secretary, 1333 "H" Street, NW, 2nd Floor – West Tower between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the Application can be purchased at the Commission at a cost of \$0.10 per page, actual reproduction cost. WGL's application can be viewed on the Commission's website, www.dcpssc.org. WGL's rate filing may also be inspected at the following public libraries:

Ward	Name and Address
Main	Martin Luther King Memorial Library 9 th & "G" Streets, NW
Ward 1	Mount Pleasant Library 16 th & Lamont Street, NW
Ward 2	Southwest Library Wesley Place & "K" Street, SW
Ward 3	Cleveland Park Library Connecticut Avenue & Macomb Street, NW

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Ward 4	Petworth Library Georgia Avenue & Upshur Street, NW
Ward 5	Woodridge Library Rhode Island Avenue & 18 th Street, NE
Ward 6	Southeast Library 7 th & "D" Streets, SE
Ward 7	Capitol View Library Central Avenue & 50 th Street, SE
Ward 8	Washington-Highlands Library Atlantic Street & South Capitol Terrace, SW

Any person desiring to intervene in the proceeding shall file a petition to intervene with the Commission no later than **February 12, 2007**. All petitions shall conform to the requirements of the Commission's Rules of Practice and Procedure as set forth in Chapter 1, Section 106 of Title 15 of the District of Columbia Municipal Regulations (15 DCMR § 106). A proposed procedural schedule and a list of proposed rate issues may be included with any petition to intervene. All written comments and petitions for intervention should be sent to Ms. Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 "H" Street, NW 2nd Floor, West Tower, Washington, D.C. 20005.

Pursuant to 15 DCMR § 121, the Commission will hold a Prehearing Conference in this proceeding at **2:00 p.m.** on **February 27, 2007**, in the Commission's Hearing Room, 1333 "H" Street, NW 7th Floor, East Tower, Washington, D.C. 20005. Participants shall be prepared to discuss proposed issues and procedural schedules. The Commission encourages parties to submit a joint proposed list of issues and a joint proposed procedural schedule. If the parties are unable to develop joint submissions, parties must make individual filings. The list of issues and order of procedure must be submitted at least five (5) calendar days before the pre-hearing conference (15 DCMR § 121.2).

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Office of the Secretary of the
District of Columbia

January 4, 2007

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after February 1, 2007.

Alston, Cheryl E.	New	S E I U 1800 Mass Ave, NW 20036
Arnold, Joshua A.	New	Nordhaus Law Firm 1401 K St, NW#801 20005
Ayers, Carolyn S.	New	Animal Health Institute 1325 G St, NW#700 20005
Bennett, Theresa	New	4243 Ft. Dupont Terr, SE 20020
Blanton, Aryn	New	Bracewell & Giuliani 2000 K St, NW#500 20006
Brady, Crystal	New	Kellogg Huber et al 1615 M St, NW 20036
Brady, Monique	New	567 Ingraham St, NE 20011
Braveboy, Angella Agnes	New	Deposition Services 2300 M St, NW#800 20037
Chevalier, Marissa	New	Catholic Univ/Columbus Law 3602 McCormack Rd, NE#13820064
Christopher, Jennifer J.	New	Bracewell & Giuliani 2000 K St, NW#500 20006
Coclough, Janice	New	3906 20 th St, NE 20018

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Cook, Cynthia R.	New	B E T/Corporate Bld Fin 1235 W St, NE 20018
Curtis, LaKisha R.	New	American Chemical Society 1155 16 th St, NW 20036
D'Almeida, Ayele	New	Bank Fund Staff F C U 1818 H St, NW 20433
Danaher, Kathryn	New	Tenacity Condo Sales 2008 Hillyer Pl, NW 20009
Entzminger, Byesheba	New	FedEx Kinkos 1612 K St, NW 20006
Fitzgerald, Sharon	New	Roylance Abrams et al 1300 19 th St, NW#600 20036
Gholson, Diane P.	Rpt	Sutton Towers Condo Assoc 3101 New Mex Ave, NW#200 20016
Givens, Mary	Rpt	A C O G 409 12 th St, SW 20024
Gonzalez, Jose M.	New	Bank Fund Staff F C U 1818 H St, NW 20433
Graham, Rosa	New	D.C. Housing Authority 1133 N Cap St, NE#222 20002
Hall, LaKeesha	New	Shelter Properties 5113 Fitch St, SE#T3 20019
Hargrove, Sherri M.	New	FedEx Kinkos 1400 K St, NW 20005
Hendricks, Theresa D.	New	1336 Missouri Ave, NW#124 20011
Howdysshell, Dawn Marie	Rpt	AFL-CIO Housing Invest 1717 K St, NW#707 20036
Hudson, Megan M.	New	Arent Fox 1050 Conn Ave, NW 20036

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Johnson, Lindsey E.	New	D B T S 1100 H St,NW#600 20005
Jones, Jennifer L.	New	C T F A 1101 17 th St,NW#300 20036
Jones, Takethia L.	New	America Votes 1101 Vt Ave,NW 9thF1 20005
Lockwood, Linda Ann	Rpt	Paul Weiss Rifkind et al 1615 L St,NW 20036
Luckett, Beverly C.	New	FedEx Kinkos 1029 17 th St,NW 20006
Lumpkin, Malinda	New	Madison Marquette 1850 M St,NW 12thF1 20036
McClellan, Mona	New	Heritage Reporting 1220 L St,NW#600 20005
McPherson-McRae, Teresita	Rpt	State Dept F C U 301 4 th St,SW 20547
Magner, Jeremy	New	Press & Press 2150 Wis Ave,NW#10 20007
Miller, Melissa G.	New	Bryant Miller Olive 1775 I St,NW#700 20006
Moore, Mildred D.	New	Wash Hosp Ctr/POB 5 th F1 110 Irving St,NW 20010
Nigusse, Yodit	New	Wachovia Bank 1310 G St,NW 20005
Noel-Williams, Jacqueline	New	Source Management 1050 17 th St,NW#600 20036
Payton, Nicole	New	Wash Hosp Ctr/POB 5 th F1 110 Irving St,NW 20010

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Pyle, Martha J.	Rpt	McDermott Will & Emery 600 13 th St, NW 20005
Redman, James M.	Rpt	Pacific Cargoes 1629 K St, NW#502 20006
Robertson, Jimmy L.	Rpt	2301 11 th St, NW#903 20001
Rowel, Damitra L.	New	Kalijarvi Chuzi Newman 1901 L St, NW#610 20036
Sabogal, Lorena	Rpt	Phoenix Park Hotel 520 N Cap St, NW 20001
Shoemaker, Kimberly S.	New	Hunton & Williams 1900 K St, NW 20006
Song, Rose	New	Law Office/Mark Kodama 5125 MacA Blvd, NW#17 20016
Spencer, Karen V.G.	New	Kalijarvi Chuzi Newman 1901 L St, NW#610 20036
Stemple, Kevin L.	New	Weidenfeld Law Firm 888 17 th St, NW#900 20006
Thomas, Dora H.	New	4200 Cathedral Ave, NW#914 20016
Tompkins, Yolanda	New	1320 Queen St, NE 20002
Upin, Tessa	New	Kalijarvi Chuzi Newman 1901 L St, NW#610 20036
Vinson, Brian K.	New	Commerce Bank 1753 Conn Ave, NW 20009
Walker, Kendall R.	New	P N C Bank 1201 Wis Ave, NW 20007
Welch, Michele E.	New	DOJ/FBOP/IE&VT 400 1 st St, NW 20534

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Zilinski, Jonathan

**New Beta Court Reporting
1140 Conn Ave, NW#600 20036**

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**STATE EDUCATION OFFICE
NOTICE OF REVIEW and REVISION**

This is to provide notice that the District of Columbia Public Charter School Credit Enhancement Fund Committee By-Laws approved February 20, 2001 are being reviewed and revised by the Committee.

For further information, please contact:

Kendrinna Rodriguez
Director, Office of Public Charter School Financing and Support
(202) 727-6436
kendrinna.rodriguez@dc.gov

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17547 of Washington Area Transit Authority (WMATA) et al, pursuant to 11 DCMR § 3103.2, for variances from the rear yard requirements under section 842 and a variance from the size of parking space requirements under section 2115, to allow construction of a parking garage in the M District at premises 9th and Rhode Island Avenue, N.E. (part of Lot 61 in Parcel 130).

Note: *The application was amended to eliminate the front yard variance under § 2517.3 and the variance from the separate record lot requirement under § 3202.3.*

HEARING DATE: December 19, 2006

DECISION DATE: December 19, 2006 (Bench Decision)

SUMMARY ORDER**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 5B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5B, which is automatically a party to this application. ANC 5B did not submit a report related to the application. However, the chairperson testified in support of the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3102.2, for variances from § 842 and § 2115). No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the Office of Planning report filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, (842, 2115) that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: **4-0-1** (Ruthanne G. Miller, Curtis L. Etherly, Jr. Gregory N. Jeffries and John A. Mann II, to approve; Geoffrey H. Griffis not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: JAN 05 2007

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION,

BZA APPLICATION NO. 17547

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GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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ZONING COMMISSION NOTICE OF FILING

Z.C. Case No. 07-01

(Map Amendment – Square 755, Lot 3)

January 10, 2007

THIS CASE IS OF INTEREST TO ANC 6C

On January 03, 2007, the Office of Zoning received an application from the Heritage Foundation (the “applicant”) for approval of a map amendment for the above-referenced property.

The property that is the subject of this application consists of Square 755, Lot 3 in Northeast Washington, D.C. (Ward 6) and is located at 208 Massachusetts Avenue, N.E. The property is currently split-zoned CAP/CHC/C-2-A and CAP/R4.

The applicant seeks to secure uniform zoning for the property, so that it can use the entire first floor for commercial purposes, rather than just the front portion of the building. The building is nonconforming in both area and use, and the applicant proposes no increase in the size of the building. The applicant is seeking a map amendment to the CAP/CHC/C-2-A zone district.

For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 05-30**

Z.C. Case No. 05-30

**Consolidated Planned Unit Development – 6000 New Hampshire Avenue, N.E. –
West*Group Development Company, LLC and The Jarvis Company, LLC
December 11, 2006**

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public hearing on July 20, 2006 and September 7, 2006 to consider an application from West*Group Development Company, LLC and The Jarvis Company, LLC, the developers, on behalf of 6000 New Hampshire Avenue, LLC, the owner of the subject property (collectively, “Applicants”), for consolidated review and one-step approval of a planned unit development (“PUD”) and a related zoning map amendment from R-1-B to R-5-A. The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application, subject to conditions.

FINDINGS OF FACT

The Applications, Parties, and Hearings

1. On September 12, 2005, the Applicants filed an application with the Commission for consolidated review and approval of a planned unit development (“PUD”) for property consisting of Parcels 126/24 and 126/74; Lots 69, 70, 71, 72, 73, 801, 824, and 826 in Square 3714; and Lot 858 in Square 3719 (the “Subject Property”), as well as a related amendment of the Zoning Map from the R-1-B to the R-5-A District for the site. As shown on the site plan, the Applicants are conveying a portion of Parcel 126/74 to the owner of Lot 38 in Square 3719 in exchange for a portion of Lot 38. The Applicants are also conveying a portion of Parcel 126/74 in exchange for a portion of Lot 23 in Square 3719. The owners of these properties consented to the inclusion of this land in the PUD. The Subject Property consists of approximately 505,062 square feet of land area and is located in the Northeast quadrant of the District. Parcel 126/24 is a small, triangular piece of land that is generally bounded by Chillum Place and Peabody Street. Parcel 126/74 and Lot 858 in Square 3719 are generally bounded by Rittenhouse Street, New Hampshire Avenue, Peabody Street, Chillum Place, and Sligo Mill Road. Lots 69, 70, 71, 72, 73, 801, 824, and 826 in Square 3714 are bounded by Peabody Street, New Hampshire Avenue, a 15-foot public alley, and 1st Street. As originally submitted on September 12, 2005, the proposed project included 199 residential units—27 detached

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single-family homes, 111 townhomes, and 61 condominium apartments—containing approximately 417,802 square feet of gross floor area and a floor-area ratio (“FAR”) of 0.83. As discussed below, these plans were superseded by subsequent plans.

2. At its public meeting held on November 14, 2005, the Commission voted to schedule a public hearing on the application.
3. On March 30, 2006, the Applicants submitted a Pre-Hearing Statement, along with revised Architectural Plans and Elevations, marked as Exhibit 26 of the record in this case (the “March 30th Plans”). The March 30th Plans superseded the plans originally filed with the application. These revisions to the site plan eliminated 11 of the originally planned townhouses, reducing the total number of units in the development from 199 to 188. These changes also reduced the overall density of the development from 0.83 FAR to 0.78 FAR.
4. On June 28, 2006, the Applicants submitted a Supplemental Pre-Hearing Statement, Exhibit 36, further refining the March 30th Plans. These refinements removed an additional townhouse (reducing the total number of dwelling units to 187), closed a proposed driveway, and included details requested by the District Department of Transportation (“DDOT”). The overall density of the project was reduced further from 0.78 FAR to 0.77 FAR.
5. After proper notice, the Commission held a public hearing on the application on July 20, 2006 and September 7, 2006. The parties to the case were the Applicants; Advisory Neighborhood Commission (“ANC”) 4B, the ANC within which the property is located; and Citizens Aware Block Organization, a party in opposition to the application.
6. The Applicants presented five witnesses at the Commission's hearing of July 20, 2006 including N. William Jarvis, The Jarvis Company, LLC; Geoffrey Ferrell, Ferrell Madden Associates; Arthur Lohsen, Franck Lohsen McCrery; Edward Papazian, Kimley-Horn and Associates, Inc.; and Steven E. Sher, Holland & Knight, LLP. Based upon their professional experience, as evidenced by the resumes submitted for the record, and prior appearances before the Commission, Messrs. Jarvis, Ferrell, Lohsen, Papazian, Sher, Jeter, and Mingonet were qualified by the Commission as experts in their respective fields.
7. Keith White of the Lamond Community Action Group testified in support of the project.
8. A number of individuals filed letters with the Commission and testified in opposition to the project. The letters and testimony raised a number of issues, but the primary concerns included: (a) the impact of the increase in the area's population on the character of the surrounding area, as well as a desire that the Subject Property be developed with detached single-family dwellings under the existing zoning; (b) the impact of the

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development on peak-hour traffic in the vicinity; and (c) the impact of development on public facilities and infrastructure.

9. ANC 4B did not take an official position on the proposed project. At its September 5, 2006 meeting, ANC 4B voted on a motion to recommend disapproval of the proposed PUD. The vote resulted in a tie. As noted in a subsequent e-mail communication from Gottlieb Simon, Executive Director of the Office of Advisory Neighborhood Commissions, Exhibit 86, all ANC motions fail on a tie vote.
10. On September 7, 2006, the Applicants submitted additional revisions to the March 30th Plans. These revisions, Exhibit 83, included a reduction in the total number of dwelling units from 187 to 169, greater detail regarding the "great lawn," and a reduction in the overall density to 0.73 FAR.
11. The Applicants submitted a Post-Hearing Statement on September 21, 2006, Exhibit 88, which revised the site plan to remove six parking spaces, as requested by the Commission at the hearing. The submission also provided supplemental data regarding accident information for the surrounding area and revised trip-generation rates based upon the Applicant's reduction in the number of units from 187 to 169.
12. At its public meeting held on Monday, October 16, 2006, the Commission took proposed action to approve, with conditions, the application and plans that were submitted into the record.
13. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the District Charter. NCPC, by action dated October 26, 2006, found that the proposed PUD would not affect the federal establishment or other federal interests in the National Capital, or be inconsistent with the Comprehensive Plan for the National Capital.
14. The Zoning Commission took final action to approve the application on December 11, 2006.

The PUD Project

15. The proposed PUD, as finally revised, included a residential development of 169 units - 38 detached single-family dwellings, 73 townhomes, and 58 condominium apartments - containing approximately 369,684 square feet of gross floor area. The project will offer 14 units (3 townhomes and 11 condominiums) as affordable housing. The affordable apartment units will be distributed vertically and horizontally throughout the two apartment buildings. The three affordable townhouse units will be interior units randomly distributed with not more than one per group of townhouses. The project will have an overall density of 0.73 FAR and a maximum building height of 40 feet for the

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townhouses and single family homes. The minimum required parking under the Zoning Regulations is 169 spaces; the PUD will provide 268 on-site parking spaces and 70 additional spaces on the private streets in the development.

16. The Subject Property consists of Parcels 126/24 and 126/74; Lots 69, 70, 71, 72, 73, 801, 824, and 826 in Square 3714; and Lot 858 in Square 3719 and contains approximately 505,062 square feet of land area. The Subject Property is currently improved with two vacant buildings that previously housed the Masonic and Eastern Star Nursing Home and Infirmary, but were most recently used as offices for Med-Star Health. The Applicant will convert these vacant structures into condominium apartments.
17. The project includes a number of green spaces to complement the low-density residential character of the surrounding neighborhood. These landscaped areas include a centrally located "great lawn," encompassing approximately 23,580 square feet of open space, as well as a number of smaller parks and gardens. The project includes more than 186,000 square feet of green space within the development.
18. The proposed project is consistent with the surrounding zoning and land uses. The Subject Property is located in the Northeast quadrant of the District near the Maryland border. The Subject Property is zoned R-1-B and is surrounded primarily by property that is also zoned R-1-B. The Comprehensive Plan designates the area to the north, east, and south of the Subject Property in the low-density residential land use category. The area to the west of the property is designated in the low-density residential and production and technical employment land use categories.

Matter-of-Right Development Under Existing Zoning

19. The Subject Property is currently zoned R-1-B. The R-1 Districts are intended to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes. (11 DCMR § 200.1.) The R-1 Districts are subdivided into R-1-A and R-1-B, providing for districts of very low and low density, respectively. (11 DCMR § 200.3.) The R-1-B District permits a maximum height of 40 feet and three stories. (11 DCMR § 400.1.) Lots in the R-1-B District are required to have a minimum lot area of 5,000 feet and a minimum lot width of 50 feet. (11 DCMR § 401.3.) A maximum density is not prescribed in the R-1-B District. (11 DCMR § 402.4.) One-family detached dwellings are permitted in the R-1-B District. (11 DCMR § 201.1(a).) Parking is required at a rate of one parking space for each dwelling unit. (11 DCMR § 2101.1.) Under the PUD guidelines for the R-1-B District, the maximum permitted height for a residential use is 40 feet and the maximum density is 0.4 FAR. (11 DCMR §§ 2405.1, 2405.2.)

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Matter-of-Right Development Under Proposed Zoning

20. Under the proposed PUD, the zoning of the Subject Property would become R-5-A. The R-5 Districts are General Residence Districts intended to permit flexibility of design by permitting in a single district all types of urban residential development if they conform to the established height, density, and area requirements. (11 DCMR § 350.1.) The R-5-A District permits low height and density developments. (11 DCMR § 350.2.) The R-5-A District permits a maximum height of 40 feet and a maximum density of 0.9 FAR for all structures. (11 DCMR §§ 400.1, 402.4.) Parking in the R-5-A District is required at a rate of one space for each dwelling unit. (11 DCMR § 2101.1.) Under the PUD standards for the R-5-A District, the maximum permissible height is 60 feet. (11 DCMR § 2405.1.) The PUD standards for the R-5-A District permit a maximum density of 1.0 FAR for residential uses. (11 DCMR § 2405.2.)

Development Incentives and Flexibility

21. The Applicants requested the following areas of flexibility from the Zoning Regulations:
- a. *Flexibility from §§ 410 and 2516.* Section 410.1 provides that in an R-5 District, if approved by the Board of Zoning Adjustment as a special exception, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls erected from the ground or lowest floor up, may be erected and deemed a single building for the purpose of the Zoning Regulations. (11 DCMR § 410.1.) Section 2516 allows multiple buildings on a single, subdivided record lot, which is useful where—as here—there are large, deep lots having a smaller amount of street frontage.

As shown on the proposed site plan, Exhibit 83, the Applicants proposed to erect the townhomes in groups of buildings. All buildings in each group will be erected simultaneously, and all front entrances of the group will abut either a street, front yard, or front court. However, since the Subject Property has a large land area compared to the amount of street frontage, the Applicants proposed that the Commission treat each grouping of townhomes as a single building for the purpose of the Zoning Regulations so that each individual dwelling need not satisfy all the area and bulk provisions.
 - b. *Flexibility from Yard Requirements.* Pursuant to § 405.9, side yards provided in the R-5-A District must have a minimum width of eight feet. A rear yard with a minimum depth of 20 feet is also required. (11 DCMR § 404.1.) For lots having no street frontage, a front yard equal to the minimum required rear yard is also required by § 2516.5(b). The Applicants requested flexibility from these requirements, because a number of the yards provided will be less than the required width. As shown on the proposed site plan, Exhibit 83, the Applicants

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designed the layout of the proposed development to meet as many of the applicable zoning requirements as possible. However, due to design and massing features of the project, and the clustering of units to ensure open space, a number of units will not have complying yards. However, the project will include a significant amount of open space, as the overall lot occupancy is approximately 26.6 percent, and approximately 36.9 percent of the Subject Property will be devoted to open, green space.

Public Benefits and Amenities

22. The Commission finds that the following benefits and amenities will be created as a result of the PUD:

- a. *Housing and Affordable Housing.* The single greatest benefit to the area, and the city as a whole, is the creation of new housing consistent with the goals of the Comprehensive Plan and the Mayor's housing initiative. The proposed PUD will contain approximately 369,684 square feet of gross floor area dedicated to residential uses. The Applicants will convert the two vacant buildings on the Subject Property into condominium buildings. The adaptive reuse of these buildings as housing is compatible with the surrounding residential uses and will enhance the residential character of the neighborhood. The project will include 14 units – three townhomes and 11 condominium apartments - reserved as affordable units. Eligible purchasers will be families and individuals whose annual incomes are no more than 80 percent of the area median income.
- b. *Urban Design, Architecture, Landscaping, and Open Space.* The quality of architectural design in the proposed development exceeds that of most matter-of-right projects. The PUD's buildings will further the goals of urban design and enhance the streetscape and surrounding neighborhood.

The project will have an overall lot occupancy of 26.6 percent, or 13.4 percent less than the maximum lot occupancy of 40 percent permitted as a matter of right in both the R-1-B and R-5-A Districts. The open spaces will be distributed throughout the site and will include "civic greens" that will serve as common focal open spaces.

The proposed project will include an extensive landscaping program. Street trees will be planted in relatively close proximity, lining the streets with their trunks and shading the walks and fronts of the houses with their canopies. Elm trees, which were devastated in the past by disease, will be reintroduced in the form of new, disease-resistant cultivars such as the Liberty Elm. Red maple trees will surround the public green spaces, accenting them as special places with their dramatic foliage. Evergreen trees will be used as screening elements to contain undesirable views and provide privacy where appropriate.

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- c. *Employment and Training Opportunities.* The Applicants entered into a First Source Employment Agreement with the Department of Employment Services, marked as Exhibit E in the Applicants' Pre-Hearing Statement. The Applicants also entered into a Local, Small, and Disadvantaged Business Enterprises ("LSDBE") Memorandum of Understanding with the District's Department of Small and Local Business Development, marked as Exhibit F in the Applicants' Pre-Hearing Statement.
- d. *Other Public Benefits and Project Amenities.* The Applicants committed to install a new traffic signal at the intersection of Quackenbos Place and New Hampshire Avenue and to upgrade the reflective striping for all crosswalk connections to the project site. The Applicants also committed to make contributions totaling \$150,000 to various schools and community groups, consistent with the Parties' Memorandum of Understanding, as outlined below:
- i) \$5,000 for a sign or signs that will identify the Lamond community; such sign or signs to be delivered to the Lamond Community Action Group for approval by the District Department of Transportation regarding placement;
 - ii) \$60,000 for a total of 50 computers (the budget for each computer being \$1,200), with 10 desktop computers delivered to LaSalle Elementary School, 10 desktop computers delivered to Whittier Elementary School, and 30 laptop computers delivered to Coolidge High School;
 - iii) \$20,000 to the Lamond-Riggs Athletic Association for the acquisition of trophies and uniforms for use by its youth programs and for the establishment of a tutoring program sponsored and administered by this entity;
 - iv) \$20,000 to the new Lamond Recreation Center for 10 laptop computers (the budget for each computer being \$1,200) and a contribution to the Center's programs focused on the senior citizens in the community; and
 - v) \$45,000 to the Friends of the Lamond Riggs Library for signage, exterior lighting, security systems, and improvements to its ventilation system.

Compliance with the Comprehensive Plan

23. The proposed PUD will advance the purposes of the Comprehensive Plan, is consistent with the Generalized Land Use Map, and furthers the major themes and elements for the

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District and Ward 4 in the Comprehensive Plan. The project will advance these purposes by promoting the social, physical, and economic development of the District by providing a quality residential development that is affordable to a range of incomes and the replacement of a primarily unimproved property with development that will enhance the built environment.

24. The proposed rezoning is consistent with the Generalized Land Use Map, which designates the Subject Property in the low-density residential land use category. The project will have an overall density of 0.73 FAR, which is below the effective density of 1.2 FAR (40 percent lot occupancy times three stories) permitted in the R-1-B District. Furthermore, the R-5-A District is designated as a low-density multifamily dwelling district under the Zoning Regulations. The number of units proposed is fewer than 15 units per acre. The R-1-B District permits approximately 8.5 units per acre, the R-2 District permits approximately 14 units per acre, and the R-3 District permits approximately 22 units per acre. The proposed development is within the limits of the range of these single-family zones.

Further, the overall density of the broad swath designated for low-density residential land uses along the northeastern boundary of the District will remain essentially unchanged. Since the Generalized Land Use Map does not establish the density permitted on each site, the Zoning Commission can appropriately increase the density on a particular site as long as the overall character and density are maintained. The Subject Property is the only large undeveloped residential site in this area. Allowing the density proposed with the clustered site plan will result in a variety of housing types for different segments of the local housing market, consistent with other policies of the Comprehensive Plan discussed below.

25. The PUD is also consistent with many of the Comprehensive Plan's major themes, as follows:
- a. *Stabilizing and Improving the District's Neighborhoods.* The proposed PUD will increase the availability and variety of housing in the District. The inclusion of a number of affordable housing units will increase housing opportunities in Ward 4 and the District.
 - b. *Increasing the Quantity and Quality of Employment Opportunities in the District.* The Applicants have entered into both a First Source Employment Agreement with the Department of Employment Services and a Local, Small, and Disadvantaged Business Enterprises Memorandum of Understanding with the District's Department of Small and Local Business Development.
 - c. *Respecting and Improving the Physical Character of the District.* The PUD will improve the physical character of the District through the construction of a well-

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planned and carefully designed development that will provide a mix of housing types and will include affordable housing units.

- d. *Reaffirming and Strengthening the District's Role as an Economic Hub.* The Comprehensive Plan encourages maximum use of the District's location for both private and public growth to promote economic development. Housing construction for all income levels is paramount to the success of the economic goals of the District. This mixed-income, mixed-housing type project will further this theme by incorporating residential development to promote the economic health and well-being of the region.
 - e. *Preserving and Ensuring Community Input.* The Comprehensive Plan also encourages the active involvement and input of local communities. The Applicants met a number of times with the ANC and local community groups to review the project plans and develop an amenities package.
26. The Commission finds that the proposed PUD furthers the objectives and policies of many of the Comprehensive Plan's major elements as follows:
- a. *Housing Element.* Housing in the District is viewed as a key part of a total urban living system that includes access to transportation and shopping centers, the availability of employment and training for suitable employment, neighborhood schools, libraries, recreational facilities, playgrounds, and other public amenities. (10 DCMR § 300.4.) The District recognizes its obligation to facilitate the availability of adequate affordable housing to meet the needs of current and future residents. The District strives to provide a wider range of housing choices and strategies through the production of new units for a variety of household types. (10 DCMR §§ 300.1 – 300.2.)

The proposed PUD will further this goal by providing approximately 369,684 square feet of gross floor area dedicated to residential uses, including 14 units of affordable housing integrated throughout the development.
 - b. *Urban Design Element.* The Urban Design Element states that the District's goal is to promote the protection, enhancement, and enjoyment of the natural environs and to promote a built environment that serves as a complement to the natural environment, provides visual orientation, enhances the District's aesthetic qualities, emphasizes neighborhood identities, and is functionally efficient. (10 DCMR § 701.1.) The Urban Design Element also encourages new construction or renovation/rehabilitation of older buildings in areas with vacant or underused land or structures in order to create a strong, positive physical identity. (10 DCMR § 712.1.)

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The proposed PUD has been designed to enhance the physical character of the area and complement the materials, height, scale, and massing of the surrounding development. (10 DCMR § 708.2.)

The streetscape objective of this element is to establish a clear classification of streets and sidewalks that is functionally efficient and visually coherent, enhances the pedestrian experience, and provides for the orderly movement of goods and services. (10 DCMR § 709.1.) The new private streets will be laid out to minimize traffic through the site, encourage safe speeds, and provide off-street parking. Alleys will be provided behind all units, allowing rear-loaded garages, trash collection, and utility connections behind the units, rather than at the front.

- c. *Land Use Element.* The Land Use Element encourages a substantial amount of new housing in order for the District to perform its role as the region's urban center providing the greatest density of jobs and housing. (10 DCMR § 1100.2.) Policies designed to support residential neighborhoods include promoting the enhancement and revitalization of District neighborhoods for housing and related uses, ensuring a broad range of residential neighborhood options, and providing wide-ranging assistance for neighborhoods of relatively poor quality by joint public and private action and concentrated governmental attention and resources. (10 DCMR §§ 1104.1(a), (c), and (e) and § 1118.6.) The proposed PUD responds to these goals with the development of a high-quality residential project that includes housing opportunities for a range of incomes.

27. The Project also fulfills and furthers the specific objectives for this area, as set forth in the Ward 4 Element:

- a. *Ward 4 Housing Element.* A primary objective for housing in Ward 4 is to provide for the housing needs of low- and moderate-income households, and the Ward 4 Housing Element calls for stimulating new and rehabilitated housing to meet all levels of need and demand. (10 DCMR §§ 1508.1(a) and 1509.1(a).) The proposed PUD will contain approximately 369,684 square feet of gross floor area dedicated to residential uses, including 14 units of affordable housing.
- b. *Ward 4 Transportation Element.* An objective for transportation in Ward 4 is to support the living environment and commerce of the ward and the District and to support development objectives for expanded housing opportunities for ward residents. (10 DCMR § 1514.1(a).) Moreover, one of the policies in support of transportation is to continue to require developers to provide appropriate traffic studies and mitigation measures prior to major development. (10 DCMR § 1515.1(a)(2)(D).)

The Applicants submitted a traffic impact study with the original PUD application, Exhibit 2. As indicated in the study, the proposed development will

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have no effect on the levels of service at intersections in the vicinity of the Subject Property, which will continue to operate at levels of service A and B. The traffic impact study also concluded that the number of proposed parking spaces satisfied both the Zoning Regulations and the practical requirements of the development and, as a result, there would be no spillover parking into the surrounding community.

- c. *Ward 4 Urban Design Element.* The objectives for urban design in Ward 4 include preserving and enhancing the physical qualities and character of the ward's neighborhoods through preservation and enhancement of its built environment and encouraging well-designed developments in areas that are vacant, underused, or deteriorated. (10 DCMR §§ 1520.1(a), (b).) The PUD's buildings will further the goals of urban design and enhance the streetscape and surrounding neighborhood. A mix of unit types will be provided including condominium units of varying sizes, townhomes, and detached single-family residences. All will be brick on all four sides, reflecting the homes in the surrounding neighborhoods. When complete, the new structures will blend well not only with each other, but also with the residences found in the neighboring communities.
- d. *Ward 4 Land Use Element.* A key land use concern in Ward 4 is preserving, protecting, and stabilizing the ward's residential neighborhoods. (10 DCMR §§ 1528.11(a) and 1529.1(a).) The proposed PUD responds to these goals with the development of a high-quality project that includes housing opportunities for a range of incomes.

Office of Planning Report

- 28. By report dated June 30, 2006, the Office of Planning ("OP") recommended approval of the PUD application. OP found that the proposed PUD was consistent with the intent of the Zoning Regulations, the specific PUD criteria outlined in the Zoning Regulations, and the Comprehensive Plan. OP also found that the benefits and amenities associated with the PUD exceeded the degree of zoning relief required and that the proposed development would be an asset to the community. OP recommended approval of the application and an amenities package that included (i) submission of a legally-binding homeowners' agreement regarding maintenance of private streets, subject to DDOT review and (ii) installation of traffic mitigation measures, including installation of required signs and traffic signals.
- 29. The Applicants submitted revisions to the Inclusionary Housing Commitment Standards, Exhibit 84, which set forth the manner in which the Applicants will provide affordable housing.

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Other Government Agency Reports

30. The D.C. Fire and Emergency Medical Services Department ("FEMS") submitted a memorandum, dated May 17, 2006, indicating that the streets in the proposed development will be adequate for fire and emergency medical services response as long as personal vehicles in the development are properly parked. FEMS recommended that all fire hydrants in the proposed development be placed on street corners, rather than in the middle of street blocks.
31. The D.C. Water and Sewer Authority ("DCWASA") submitted a memorandum, dated June 2, 2006, noting that existing water mains and sanitary sewers can adequately supply water to, and manage sanitary flows from, the proposed development. DCWASA indicated it will not own, operate, or maintain the private storm water management system the Applicants intend to construct for the project.
32. The Department of Housing and Community Development ("DCHD") submitted a letter, dated June 7, 2006, indicating that DCHD supported the proposed PUD.
33. The District Department of Transportation submitted a memorandum, dated July 6, 2006, indicating that DDOT had no objections to the current project proposal provided the Applicants install a new traffic signal at the intersection of Quackenbos Place and New Hampshire Avenue and upgrade the reflective striping for all crosswalk connections to the project site.

Contested Issues

34. The major concerns raised by the party and persons in opposition to the application were (a) increased traffic congestion; (b) unacceptably high development density; (c) inadequate storm water management and drainage; (d) the use of homeowners association fees to maintain common areas in the development; (e) insufficient time to review agency reports; (f) the lack of community input; and (g) the possibility that the proposed dog park will attract rodents.
35. The Commission makes the following findings:
 - a. *Increased Traffic:* The Commission is not persuaded that the proposed development will significantly increase congestion on adjacent roadways beyond a matter-of-right development. DDOT noted in its report, however, that nearby signalized intersections will continue to operate at an acceptable level of service - level of service B - or better, following the project's completion. Moreover, the Applicants' traffic expert submitted detailed reports (Exhibit 2, Tab F thereto; Exhibit 26, Tab B thereto; and Exhibit 88, Tab B thereto) concluding that area intersections will all operate at acceptable conditions with the development in place. The report also

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indicated that the proposed development will have no effect on the intersection levels of service and they will continue to operate at levels of service A or B, and that the proposed multiple driveways and vehicle circulation system will provide the opportunity for the dispersal of site traffic and will operate in a safe and efficient manner. Moreover, sufficient on-site parking will be provided on the Subject Property, which will result in no spillover of parking into the surrounding community. The Commission accepts the expert conclusions and finds that the proposed development will not significantly increase traffic congestion in the area or otherwise have an adverse impact.

- b. *Increased Density:* The Commission is not persuaded that the density of the proposed PUD will conflict with the residential character of the surrounding community. The effective maximum density under the subject property's current zoning classification (R-1-B) is 1.2 FAR (40 percent lot occupancy times three stories), whereas the proposed project will have a density of 0.73 FAR. The proposed development is within the limits of the density range of single-family zones. The Commission thus finds that the project's proposed density is not inconsistent with the land use map designation for the Subject Property and will not have an adverse impact on the surrounding community.
- c. *Storm Water Management:* The Commission does not find that the proposed development will exacerbate drainage problems currently affecting the Subject Property. The PUD will include a storm water management system and underground sand filtration system. The Applicant performed drainage calculations in accordance with the D.C. Department of Health's Stormwater Management Guidebook and determined that the post-development discharge rates for the Subject Property will be at or below the pre-development rates for both two-year and 15-year storm events. Additionally, DC WASA did not express any concerns about potential drainage problems attributable to the proposed development.
- d. *Homeowners Association Fees:* The Commission does not find that the assessment of homeowners association fees, a portion of which will be used to maintain common areas in the development, will have an adverse impact on the development or the surrounding community. Indeed, the community center and green spaces in the development will be available for use by members of the surrounding community.
- e. *Time to Review Agency Reports:* The various agency reports regarding the proposed development were filed in advance of the deadline prescribed by 11 DCMR § 3012.3 and have been a matter of public record since they were filed. The Commission finds that adequate time was provided for public review of the agency reports.
- f. *Community Input:* The Applicants met with the ANC and other community groups on 20 occasions to review the project plans and develop an amenities package, as

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shown by Exhibit 51. The PUD project was modified in response to community feedback. The Commission finds that the Applicants engaged in efforts to solicit community input and incorporated that input into the proposed project where feasible.

- g. *The Dog Park*: The Applicants will improve the currently vacant land on Parcel 126/24 with a landscaped dog park. The Commission finds that the proposed dog park is a part of the Applicants' overall green space plan, which is a valuable project amenity, and will not adversely affect the public interest.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking, loading, yards, or courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments that offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The residential uses for this project are appropriate for the PUD Site. The impact of the project on the surrounding area is not unacceptable. Accordingly, the project can be approved.
6. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.

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7. The Applicants' request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project benefits and amenities are reasonable trade-offs for the requested development flexibility.
8. Approval of this PUD is appropriate, because the proposed development is consistent with the present character of the area and is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
9. The Commission is required under D.C. Code Ann. § 1-309.10(d)(3)(A) (2001) to give great weight to the issues and concerns stated by the affected ANC. In this case, ANC 4B has not taken an official position on the proposed PUD.
10. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders **APPROVAL** of the Application for consolidated review and approval of a planned unit development ("PUD") and a related application to amend the Zoning Map from the R-1-B to the R-5-A District for the Site, subject to the following guidelines, conditions, and standards:

1. The PUD shall be developed in accordance with the plans prepared by Franck Lohsen McCrery Architects, dated March 30, 2006, marked as Exhibit 26 in the record (the "Plans"); as modified by Exhibit 83 and Exhibit 88; and as further modified by the guidelines, conditions, and standards herein.
2. The PUD shall be a residential development as shown on the approved plans. The PUD shall have a maximum density of 0.73 FAR and a combined gross floor area of no more than 369,684 square feet. The project shall contain no more than 169 dwelling units, including 38 single-family dwellings, 73 townhomes, and 58 condominium apartments. The Applicants shall be permitted to adjust the layout, configuration, and number of apartment units, provided the total number of units (169) is not exceeded.
3. The maximum height of the townhomes and single family homes shall not exceed 40 feet.
4. Fourteen units (3 townhomes and 11 condominiums) shall be reserved and offered as affordable housing as specified in the Planned Unit Development Inclusionary Housing Commitment Standards included as Exhibit 84.

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5. The project shall include a minimum of 268 off-street parking spaces.
6. The landscaping, streetscape, and open-space treatment for the project shall be constructed and installed as shown on the Plans and shall be maintained and kept in good, clean, attractive, and sanitary condition. This maintenance shall include, but need not be limited to, maintenance, repair, and replacement of all landscaping and other flora, structures, and improvements, streets, and rights-of-way, and other green spaces, parks, or open areas shown on the plans, marked as Exhibit 26, and such portions of any additional property included within the area of common responsibility as may be dictated by the Homeowners Association documents. All costs required to maintain and keep in good, clean, attractive, and sanitary condition the areas of common responsibility shall be borne by the unit owners as part of an assessment in a ratio to be determined by the Homeowners Association.
7. Landscaping in the public space on the surrounding public streets shall be in accordance with the Plans, as approved by the Public Space Division of DDOT. The Applicants or their successors shall maintain all landscaping in the public space.
8. The Community Room shall be open to both the general public and residents of the development pursuant to terms, procedures, and conditions to be adopted by the Homeowners Association, including, but not limited to, terms and restrictions concerning facility and meeting room capacity, operating hours, reservation fees, deposits, and usage restrictions.
9. No building permit shall be issued for this PUD until the Applicant has submitted to the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA) evidence demonstrating that the Applicant has purchased, or provided the funding to purchase, the items identified in the community amenities package, marked as Exhibit 80, and described in Finding of Fact 22 (d).
10. The Applicants shall have flexibility with the design of the PUD in the following areas:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, mechanical rooms, elevators, escalators, and toilet rooms, provided that the variations do not change the exterior configuration of the building;
 - b. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials;

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- c. To make minor refinements to exterior materials, details, and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylights, architectural embellishments and trim, or any other minor changes to comply with the District of Columbia Code or that are otherwise necessary to obtain a final building permit or any other applicable approvals; and
 - d. To make minor refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, as long as the number of parking spaces does not decrease below the minimum number specified.
- 12. No building permit shall be issued for this PUD until the Applicants have recorded a covenant in the land records of the District of Columbia, between the owners and the District of Columbia, that is satisfactory to the Office of the Attorney General and DCRA. Such covenant shall bind the Applicants and all successors in title to construct on and use this property in accordance with this Order or amendment thereof by the Zoning Commission.
- 13. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the Applicants have filed a copy of the covenant with the records of the Zoning Commission.
- 14. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1. Construction shall begin within three years of the effective date of this Order.
- 15. The Applicants are required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 *et seq.*, ("Act"), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicants to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

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In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on _____.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
PUBLICATIONS PRICE LIST

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DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS (DCMR)

TITLE	SUBJECT	PRICE
1	DCMR MAYOR AND EXECUTIVE AGENCIES (JUNE 2001).....	\$16.00
3	DCMR ELECTIONS & ETHICS (JUNE 1998)	\$20.00
4	DCMR HUMAN RIGHTS (MARCH 1995).....	\$13.00
5	DCMR BOARD OF EDUCATION (DECEMBER 2002).....	\$26.00
6A	DCMR POLICE PERSONNEL (MAY 1988).....	\$8.00
7	DCMR EMPLOYMENT BENEFITS (JANUARY 1986).....	\$8.00
8	DCMR UNIVERSITY OF THE DISTRICT OF COLUMBIA (JUNE 1988).....	\$8.00
9	DCMR TAXATION & ASSESSMENTS (APRIL 1998).....	\$20.00
10	DCMR DISTRICT'S COMPREHENSIVE PLAN (PART 1, FEBRUARY 1999).....	\$33.00
10	DCMR PLANNING & DEVELOPMENT (PART 2, MARCH 1994) w/1996 SUPPLEMENT*	\$26.00
11	DCMR ZONING (FEBRUARY 2003)	\$35.00
12	DCMR CONSTRUCTION CODES SUPPLEMENT (2003)	\$25.00
13B	DCMR BOILER & PRESSURE VESSEL CODE (MAY 1984).....	\$7.00
14	DCMR HOUSING (DECEMBER 2004)	\$25.00
15	DCMR PUBLIC UTILITIES & CABLE TELEVISION (JUNE 1998).....	\$20.00
16	DCMR CONSUMERS, COMMERCIAL PRACTICES & CIVIL INFRACTIONS (JULY 1998) W/DECEMBER 1998 SUPPLEMENT	\$20.00
17	DCMR BUSINESS, OCCUPATIONS & PROFESSIONS (MAY 1990).....	\$26.00
18	DCMR VEHICLES & TRAFFIC (APRIL 1995) w/1997 SUPPLEMENT*	\$26.00
19	DCMR AMUSEMENTS, PARKS & RECREATION (JUNE 2001)	\$26.00
20	DCMR ENVIRONMENT - CHAPTERS 1-39 (FEBRUARY 1997)	\$20.00
20	DCMR ENVIRONMENT - CHAPTERS 40-70 (FEBRUARY 1997)	\$26.00
21	DCMR WATER & SANITATION (FEBRUARY 1998)	\$20.00
22	DCMR PUBLIC HEALTH & MEDICINE (AUGUST 1986).....	\$26.00
22	DCMR HEALTH CARE & COMMUNITY RESIDENCE FACILITIES SUPPLEMENT (AUGUST 1986 - FEBRUARY 1995)	\$13.00
23	DCMR ALCOHOLIC BEVERAGES (AUGUST 2004).....	\$10.00
24	DCMR PUBLIC SPACE & SAFETY (DECEMBER 1996)	\$20.00
25	DCMR FOOD AND FOOD OPERATIONS (AUGUST 2003).....	\$20.00
26	DCMR INSURANCE (FEBRUARY 1985).....	\$9.00
27	DCMR CONTRACTS AND PROCUREMENT (JULY 1988).....	\$22.00
28	DCMR CORRECTIONS, COURTS & CRIMINAL JUSTICE (AUGUST 2004).....	\$10.00
29	DCMR PUBLIC WELFARE (MAY 1987).....	\$8.00
30	DCMR LOTTERY AND CHARITABLE GAMES (MARCH 1997)	\$20.00
31	DCMR TAXICABS & PUBLIC VEHICLES FOR HIRE (JULY 2004)	\$16.00

OTHER PUBLICATIONS

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1997 - 1998 Indices	\$52.00 + \$5.50 postage
Complete Set of <i>D.C. Municipal Regulations</i>	\$628.00
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